

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

ROBERT D. BROOKS and ALICE  
BRADLEY,

Plaintiffs,

V.

PACTIV CORPORATION and LOUISIANA-  
PACIFIC CORPORATION,

Defendants.

Civil Action No.  
2:06-CV-680-LES-CSC

**DEFENDANT LOUISIANA-PACIFIC CORPORATION’S  
MOTION TO DISMISS COUNT SIX**

Pursuant to Fed. R. Civ. P. 12(b) and 7(b), Defendant Louisiana-Pacific Corporation (“Louisiana-Pacific”) moves this Court for an Order dismissing Count Six of Plaintiffs’ Complaint. As set forth in the accompanying Memorandum of Law, Count Six fails to state a valid claim under the Alabama Extended Manufacturer’s Liability Doctrine. Therefore, pursuant to Rule 12(b)(6), Count Six must be dismissed for failure to state a claim upon which relief may be granted.

Respectfully submitted this 22nd day of December, 2006.

/s/Bernard Taylor

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of December, 2006, I filed the foregoing via the CM/ECF system which will send notice of said filing to the following:

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